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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/051,682	01/18/2002	Robert Vincent Cox	016295.0745 (DC-03247)	1169
7590	07/08/2008		EXAMINER	
Baker Botts L.L.P. One Shell Plaza 910 Louisiana Houston, TX 77002-4995			AILES, BENJAMIN A	
			ART UNIT	PAPER NUMBER
			2142	
			MAIL DATE	
			07/08/2008	DELIVERY MODE
				PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/051,682	COX ET AL.	
	Examiner	Art Unit	
	BENJAMIN AILES	2142	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 15 February 2008.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1,3-8,10-14 and 16-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1,3-8,10-14 and 16-22 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ . |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03/2007</u> . | 6) <input type="checkbox"/> Other: _____ . |

DETAILED ACTION

1. This action is in response to correspondence filed 15 February 2008.
2. Claims 1, 3-8, 10-14 and 16-22 remain pending.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

3. Claims 8, 10-13, 14 and 16-21 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. With respect to independent claim 8, the claim recites (on line 3): "a computer-usable medium." The computer-usable defined by the applicant's specification, see page 18, lines 16-24, is not limited to tangible embodiments. The specification recites: "computer-usable media may include...communications media such wires, optical fibers, microwaves, radio waves, and other electromagnetical or optical carriers." Because the claim language is not limited to tangible embodiments as evidenced by the applicant's specification, claim 8 is directed to non-statutory subject matter. Dependent claims 10-13 are rejected based on their dependency on claim 8. Independent claim 14 recites the "computer-usable medium" as well and is rejected for the same reasons as claim 8. Dependent claims 16-21 are rejected based on their dependency on claim 14.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 1, 3-5, 8, 10-12, 14, 16-18 and 21 are rejected under 35 U.S.C. 102(e) as being anticipated by Brown et al. (US 2007/0011283 A1), hereinafter referred to as Brown.

6. Regarding claim 1, Brown discloses a method of validating a network, the method comprising:

receiving user input requesting a validation process to validate a network (p. 3, para. 0025, II 8-12, system admin requests comparison), the network including a plurality of devices (fig. 2, endpoint systems 230A-230N);

in response to the user input, automatically communicating with one or more of the devices in the network and discovering attributes of the devices (p. 3, para. 0024, II. 13-16);

determining whether the one or more devices are compatible to operate with each other by automatically comparing the discovered attributes with a predefined set of valid device attributes, the predefined set of valid device attributes specifying device attributes that are compatible with one another (p. 3, para. 0025, II 8-12, comparison of settings);

generating output data that indicates whether the discovered attributes match the valid device attributes (p. 3, para. 0025, II. 11-12, GUI); and

generating output data that identifies an invalid attribute among the discovered attributes and a corresponding valid attribute from the predefined set of valid device attributes (p. 3, para. 0025, ll. 11-12, GUI).

7. Regarding claim 3, Brown discloses the method, wherein:

the predefined set of valid device attributes specifies valid software versions (p. 3, para. 0027, configuration settings);

the operation of automatically discovering attributes of the devices comprises automatically discovering version information for software in one or more of the devices (p. 3, para. 0025, ll 8-12); and

the operation of automatically comparing the discovered attributes with the predefined set of valid device attributes comprises automatically comparing the discovered version information with the valid software versions (p. 3, para. 0025, ll 8-12, use of a model).

8. Regarding claim 4, Brown discloses the method wherein:

the software in at least one of the one or more devices comprises firmware (p. 3, para. 0027); and

the operation of automatically comparing the discovered attributes with the predefined set of valid device attributes comprises automatically determining whether the firmware has a valid version (p. 3, para. 0025, ll 8-12, use of a model).

9. Regarding claim 5, Brown discloses the method wherein the operation of automatically discovering attributes of the devices comprises:

automatically identifying a device type for at least one of the devices (p. 3, para. 0025, II 8-12, use of a model);

dynamically loading a validation module based on the identified device type (p. 3, para. 0025, II 8-12, use of a model); and

automatically using the validation module to poll the at least one device (p. 3, para. 0025, II 8-12, use of a model).

10. Regarding claim 8, Brown discloses a program product for validating devices in a network, the program product comprising:

a computer-readable medium (p. 3, para. 0026);

computer instructions encoded in the computer-readable medium, wherein, when executed, the computer instructions perform operations comprising:

receiving user input requesting a validation process to validate a network, the network including a plurality of devices (p. 3, para. 0025, II 8-12);

in response to the user input, automatically communicating with one or more of the devices in the network and discovering attributes of the one or more devices (p. 3, para. 0025, II 8-12);

determining whether the one or more devices are compatible with each other by automatically comparing the discovered attributes with a predefined set of valid device attributes; generating output data that indicates whether the discovered attributes match the valid device attributes, the predefined set of valid device attributes specifying device attributes that are compatible with each other (p. 3, para. 0025, II 8-12, use of a model); and

generating output data that identifies an invalid attribute among the discovered attributes and a corresponding valid attribute from the predefined set of valid device attributes (p. 3, para. 0025, ll 8-12).

11. Regarding claim 10, Brown discloses the program product wherein:
the predefined set of valid device attributes specifies valid software versions (p. 3, para. 0025, ll 8-12, use of a model);

the operation of automatically discovering attributes of the devices comprises automatically discovering version information for software in one or more of the devices (p. 3, para. 0025, ll 8-12, use of a model); and

the operation of automatically comparing the discovered attributes with the predefined set of valid device attributes comprises automatically comparing the discovered version information with the valid software versions (p. 3, para. 0025, ll 8-12, use of a model).

12. Regarding claim 11, Brown discloses the program product wherein:
the software in at least one of the one or more devices comprises firmware (p. 3, para. 0027); and

the operation of automatically comparing the discovered attributes with the predefined set of valid device attributes comprises automatically determining whether the firmware has a valid version (p. 3, para. 0027).

13. Regarding claim 12, Brown discloses the program product wherein the operation of automatically discovering attributes of the devices comprises:

automatically identifying a device type for at least one of the devices (p. 3, para. 0027);

dynamically loading a validation module based on the identified device type (p. 3, para. 0027); and

automatically using the validation module to poll the at least one device (p. 3, para. 0027).

14. Regarding claim 14, Brown discloses an information handling system for validating a network configuration, the information handling system comprising:

a computer-usable medium (p. 3, para. 0027);

a predefined set of valid device attributes stored in the computer-usable medium (p. 3, para. 0025, ll 8-12, use of a model);

a network interface in communication with a network of devices (p. 3, para. 0027); and

processing resources in communication with the network interface and the computer- usable medium, wherein the processing resources perform operations comprising:

receiving user input requesting a validation process to validate a network, the network including a plurality of devices (p. 3, para. 0025, ll 8-12, use of a model);

in response to the user input, automatically communicating with one or more of the devices via the network interface to discover attributes of the devices (p. 3, para. 0025, ll 8-12, use of a model);

determining whether the one or more devices are compatible to operate with each other by automatically comparing the discovered attributes with the predefined set of valid device attributes, the predefined set of valid device attributes specifying device attributes that are compatible with each other (p. 3, para. 0025, II 8-12);

generating output data that indicates whether the discovered attributes match the valid device attributes (p. 3, para. 0025, II 8-12); and

generating output data that identifies an invalid attribute among the discovered attributes and a corresponding valid attribute from the predefined set of valid device attributes (p. 3, para. 0025, II 8-12).

15. Regarding claim 16, Brown discloses the information handling system wherein: the predefined set of valid device attributes specifies valid software versions (p. 3, para. 0025, II 8-12, use of a model);

the processing resources automatically discover version information for software in one or more of the devices (p. 3, para. 0025, II 8-12, use of a model); and

the processing resources automatically compare the discovered version information with the valid software versions (p. 3, para. 0025, II 8-12, use of a model).

16. Regarding claim 17, Brown discloses the information handling system wherein the software in at least one of the one or more devices comprises firmware (p. 3, para. 0027), and the processing resources automatically determine whether the firmware has a valid version (p. 3, para. 0027).

17. Regarding claim 18, Brown discloses the information handling system wherein:

the processing resources automatically identify a device type for at least one of the devices (p. 3, para. 0025, ll 8-12, use of a model);

the processing resources dynamically load a validation module based on the identified device type (p. 3, para. 0025, ll 8-12, use of a model); and

the processing resources automatically use the validation module to poll the at least one device (p. 3, para. 0025, ll 8-12, use of a model).

18. Regarding claim 21, Brown discloses the information handling system wherein the processing resources comprise:

one or more processors (p. 3, para. 0027); and
software which, when executed by the one or more processors, cause the one or more processors to perform the operations of receiving user input, automatically communicating with the devices, automatically comparing the discovered attributes with the predefined set of valid device attributes, and generating output data (p. 3, para. 0025, ll 8-12, use of a model).

Claim Rejections - 35 USC § 103

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein

were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

21. Claims 6, 7, 13, 19 and 20 rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of Price et al. (US 7,133,906 B2), hereinafter referred to as Price.

22. Regarding claim 6, Brown teaches the utilization of a file for reference when determining valid device attributes (p. 3, para. 0027) however does not explicitly teach the utilization of a markup language to encode the valid device attributes. In related art, Price teaches on this limitation of using a markup language to encode the valid device attributes wherein Price teaches the use of a markup language (XML) when performing configuration techniques within a network of network devices in an Internet like system (col. 2, ll. 45-58). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to utilize a markup language to encode the valid device attributes as taught by Price. One of ordinary skill in the art would have been motivated to use a markup language due to their inherent nature of being easy to use common usage as demonstrated by Price (col. 2, ll. 49-53).

23. Regarding claim 7, Brown and Price teach the method wherein:
the file with the valid device attributes comprises an extensible markup language (XML) file (Price, col. 2, ll. 45-58); and

the operation of automatically determining the valid device attributes comprises parsing the XML file by reference to a document type definition (DTD) file, wherein the DTD file contains definitions of data elements for validating the network (Price, col. 5, ll. 30-36).

24. Regarding claim 13, Brown teaches the utilization of a file for reference when determining valid device attributes (p. 3, para. 0027) however does not explicitly teach the utilization of a markup language to encode the valid device attributes. In related art, Price teaches on this limitation of using a markup language to encode the valid device attributes wherein Price teaches the use of a markup language (XML) when performing configuration techniques within a network of network devices in an Internet like system (col. 2, ll. 45-58). One of ordinary skill in the art at the time of the applicants' invention would have found it obvious to utilize a markup language to encode the valid device attributes as taught by Price. One of ordinary skill in the art would have been motivated to use a markup language due to their inherent nature of being easy to use common usage as demonstrated by Price (col. 2, ll. 49-53).

25. Regarding claim 19, Brown teaches the utilization of a file for reference when determining valid device attributes (col. 7, ll. 53-56, storage of configuration information) however does not explicitly teach the utilization of a markup language to encode the valid device attributes. In related art, Price teaches on this limitation of using a markup language to encode the valid device attributes wherein Price teaches the use of a markup language (XML) when performing configuration techniques within a network of network devices in an Internet like system (col. 2, ll. 45-58). One of ordinary skill in the

art at the time of the applicants' invention would have found it obvious to utilize a markup language to encode the valid device attributes as taught by Price. One of ordinary skill in the art would have been motivated to use a markup language due to their inherent nature of being easy to use common usage as demonstrated by Price (col. 2, ll. 49-53).

26. Regarding claim 20, Brown and Price teach the information handling system wherein:

the file with the valid device attributes comprises an extensible markup language (XML) file (Price, col. 2, ll. 45-58);

the information handling system further comprises a document type definition (DTD) file that contains definitions of data elements for validating the network (Price, col. 5, ll. 30-36); and

the processing resources automatically determine the valid device attributes by using the DTD file to parse the XML file (Price, col. 5, ll. 30-36).

27. Claim 22 is rejected under 35 U.S.C. 103(a) as being unpatentable over Brown in view of East et al. (US 2003/0061323), hereinafter referred to as East.

28. Regarding claim 22, Brown teaches a method of validating a network comprising: receiving user input requesting validation of a network, the network including a plurality of devices (p. 3, para. 0025, ll 8-12, use of a model);

in response to the user input, automatically discovering attributes of one or more of the devices in the network (p. 3, para. 0025, ll 8-12, use of a model);

automatically comparing the discovered attributes with a predefined set of valid hardware attributes (p. 3, para. 0027); and

generating output data that indicates whether the discovered attributes match the valid hardware attributes (p. 3, para. 0027).

Brown teaches the validation determination of network device attributes (p. 3, para. 0025, ll 8-12) but does not explicitly teach wherein the network device attributes are hardware attributes. However, in related art, East teaches on this aspect of the invention wherein East teaches the configuration determination of network devices and performs configuration steps based on device hardware attributes (p. 2, para. 0009, network updates). One of ordinary skill in the art would have found it obvious to perform network validation based on a devices hardware attributes and therefore would have found it obvious to combine the teachings of East with Brown. One of ordinary skill in the art would have been motivated to combine East with Brown wherein East teaches the importance of clustering network devices based on hardware attributes (p. 2, para. 0009).

Response to Arguments

29. Applicant's arguments filed 15 February 2008 have been fully considered but they are not persuasive.

30. With respect to the rejection of claim 1 under 35 USC 102(e) in view of Brown, the applicant argues (a) that the cited prior art does not teach "determining whether one or more devices are compatible to operate with one another."

31. (a) With respect to argument (a), the examiner respectfully disagrees. Brown at least teaches on devices being compatible with one another wherein Brown teaches the interaction of a system administrator model computer system with endpoint network devices (fig. 2, system 210, endpoints 230A-230N). Brown teaches further the need for utilizing a model computer system for configuration purposes to ensure that a company wide network system has consistent configuration parameters throughout. Therefore, the configuration parameters applied to different network device endpoints are found to be compatible with each other. Brown is therefore found to teach within the scope of the claim.

32. Applicant's arguments, see Remarks, filed 15 February 2008, with respect to the rejection(s) of claim(s) 22 under 35 USC 102(e) in view of Brown have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Brown and East as set forth above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benjamin Ailes whose telephone number is (571)272-3899. The examiner can normally be reached Monday-Friday, 5:30-8:30AM, 1:00-6:00PM, IFP Hoteling schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Caldwell can be reached on 571-272-3868. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BAA

/Andrew Caldwell/
Supervisory Patent Examiner, Art Unit 2142